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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,311	06/26/2003	Nobuhiro Fujinaga	03560.003324	3182
5514	7590	06/28/2004		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER GRAY, DAVID M	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,311	Applicant(s) FUJINAGA, NOBUHIRO	
	Examiner David M Gray	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/06/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasuda.

Regarding claim 1, Hasuda discloses a “a first quantity-of-light adjusting blade [17A, see figures 9-13] and a second quantity-of-light adjusting blade [21A, see figures 9-13] which move to adjust quantity of light [the gap between the leading curtain and trailing curtain adjust the quantity of light]; and a detecting member [38 and 39] which detects that said first quantity-of-light adjusting blade is at a predetermined location [figure 10], while also detecting that said second quantity-of-light adjusting member has moved to said predetermined location [figure 12] following said first quantity-of-light adjusting blade moving from said predetermined location.”

Regarding claim 4, Hasuda discloses the “detecting member is a photo-sensor[col 5, lns 35-39].”

Regarding claim 5, Hasuda discloses that “said first quantity-of-light adjusting blade [17A] and said second quantity-of-light adjusting blade [21A] each have a pair of blades [17B and 21B respectively].”

Allowable Subject Matter

Claim 6 is allowed.

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Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest "said first quantity-of-light adjusting blade turns on a first shaft provided on said base plate, and said second quantity-of-light adjusting blade turns on a second shaft provided on said base plate, in a direction opposite the turning of said first quantity-of-light adjusting blade" in combination with the remaining claim elements as set forth in claims 2 and 3 .

The prior art does not disclose or suggest "a driving member for turning said first and second quantity-of-light adjusting blades in mutuality opposite directions so as to change the diameter of an opening formed between said first quantity-of-light adjusting blade and said second quantity-of-light adjusting blade" in combination with the remaining claim elements as set forth in claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Nakamori reference is cited for its disclosure of a quantity of light adjusting device having two pairs of blades that rotate in opposite directions to control the quantity of light. Nakamori discloses a photo sensor for detecting a reflective coating on the first blade to determine the first blade moving from a predetermined position. A second blade, from the other pair of blades, also crosses over this photo sensor. The second blade, however, is not detected by


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the photo sensor as it has no reflective coating thereon. Further, Nakamori does not disclose or suggest providing a reflective coating on the second blade. And it appears that providing such a coating would cause undesirable results as the portion of the second blade crossing the photo sensor also crosses the aperture in the base plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M Gray', with a large, stylized flourish extending to the right.

David M Gray
Primary Examiner
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